

**Amended Summary**  
**Solid Waste Management Board**  
Indiana Government South, Conference Center Rooms 1 and 2  
Public Entrance at 302 West Washington Street, Indianapolis, Indiana  
1:30 p.m., EDT  
July 17, 2012

**1. CALL TO ORDER**

The meeting was called to order by Chairperson William Graham at 1:32 p.m. A quorum was present.

Members present: Mayor William Graham, Rick Dyar, Tom Barnett, Chuck Himes, Marlin Chambers, Ted Niemiec, M.D., William Etzler, Pam Fisher, Dale Gick, Tristan Vance, Mike Mettler, and Deborah Albright, Legal Counsel.

Present for IDEM: Thomas Easterly, Commissioner, Bruce Palin, Assistant Commissioner, Office of Land Quality (OLQ), Peggy Dorsey, Deputy Assistant Commissioner, OLQ, Nancy King, Chief, Rules Development Branch, Office of Legal Counsel (OLC), Ann Long, Attorney, OLC, Michael Dalton, OLC, Kiran Verma, OLC, Dan Watts, OLC, Lynn West, OLC, Craig Schroer, OLQ, and Roy Harbert, OLQ.

**2. APPROVAL OF SUMMARY**

Mayor Graham asked if there were any changes or corrections to the meeting summary of the April 17, 2012, meeting. A motion was made and seconded to approve the meeting summary. The board voted unanimously to approve the April 17, 2012, meeting summary without change.

**3. REPORTS**

Mr. Bruce Palin briefly described upcoming rules on the Rules Project Chart which was distributed to the board members. He said several rulemakings had been initiated which IDEM hoped to finalize before the end of the year.

**4. RULE ACTIONS**

LSA #12-207, Notice of Rule Review for Rules that do not expire under IC 13-14-9.5-1.1

Mayor Graham announced the public hearing to consider keeping the rules in force of LSA #12-207, Notice of Rule Review for Rules that do not expire under IC 13-14-9.5-1.1. He introduced Exhibit A, the draft rule, into the record of hearing. He asked Mr. Dan Watts to present the rule.

Mr. Watts explained that Sunset rule provisions at IC 13-14-9.5 require IDEM to either review or readopt environmental rules every seven years. He said the rules now being presented must be reviewed by the board and are exempt from expiration and readoption. Mr. Watts stated that during the comment period, the public could request that the Board consider public comments, and ultimately, the Department could be directed to initiate additional rulemaking actions. He noted that IDEM did not receive any comments.

Mayor Graham asked if there were any commentators to speak; there were none. He concluded the hearing, and there was no board discussion. Mayor Graham stated that the board had decided that no additional rulemaking needed to be initiated.

LSA #09-365, New Rules and Amendments at 329 IAC 3.1, Temporary Storage and Management of Spent Lead Acid Batteries

Mayor Graham announced the public hearing to consider final adoption of LSA #09-365, New Rules and Amendments at 329 IAC 3.1, Temporary Storage and Management of Spent Lead Acid Batteries. He introduced Exhibit B, the proposed rule, and B-1, the proposed rule with IDEM's suggested changes, into the record of hearing.

Mr. Palin gave an historical background of this rulemaking. He said that in 1991, an administrative law judge (ALJ) decision was issued relative to Quemetco's storage of components from the cracking of lead acid batteries, which basically said it was not regulated as a hazardous waste storage activity.

Mayor Graham asked Kiran Verma to address the Board. Ms. Verma said that this rulemaking provides requirements for the management of temporarily stored spent lead acid batteries, including transportation and storage by retailers, wholesalers, storage facilities, and reclamation facilities to prevent releases of contaminants into the environment. She said IDEM has mostly replaced the adopt-by-reference format for federal requirements in the existing rule with the full text rule language in this proposed rule.

Mayor Graham asked the Board if they had any questions. A Board discussion followed which included topics: (1.) clarification of State requirements and EPA (Environmental Protection Agency) regulations; (2.) the number of facilities where the rule is applicable; (3.) an explanation of the cracking recovery process and the recycling material process; (4.) the option for the Board to re-write the rule pertaining to Part B, TSDF (treatment, storage and disposal facilities) permit; and (5.) the possibility of setting precedent of hazardous waste rules to apply to non-hazardous waste facilities.

Mayor Graham called on public commentators. Two commentators representing Quemetco, Incorporated, Mr. Gerard Manley, Vice President of EHS Compliance, and Mr. Robert Kelsey addressed the Board.

Mayor Graham announced that the hearing was concluded and a brief discussion followed. The Board suggested that the proposed rule be discussed further at the next regularly-scheduled Board meeting. Mr. Barnett made a motion to continue the rule action until the next meeting and Mr. Chambers seconded. Mayor Graham asked for a roll call vote. It was unanimous. The motion to revisit the rule at the September 18, 2012 meeting was approved.

LSA #10-66 New rules at 329 IAC 9-9, Underground Storage Tank Operator Training Requirements

Mayor Graham announced the public hearing to consider final adoption of LSA #10-66 New rules at 329 IAC 9-9, Underground Storage Tank Operator Training Requirements. He introduced Exhibit C, the proposed rule, and C-1, the proposed rule with IDEM's suggested changes, into the record of hearing. He asked Ms. Kiran Verma to present the rule.

Ms. Kiran Verma explained that the rule adds new rules at 329 IAC 9-9 concerning training of persons who operate underground storage tank (UST) systems. Ms. Verma gave a brief history of the rulemaking, including the fact that on August 8, 2007, the United States Environmental Protection Agency (EPA) published operator training grant guidelines in the Federal Register at 72 FR 44523 for states that receive UST funds from the EPA. To comply with the Federal mandate, IDEM is proposing new rules for UST system operator training. She said the deadline for the three classes of operator training is August 8, 2012; the training is available on IDEM's website.

Mayor Graham asked if there were any questions from the Board. The board asked questions regarding receipt of certification upon completion of the training, which were answered by IDEM staff. Mayor Graham asked if there were any commentors; there were none. He then concluded the hearing. He asked for a motion to final adopt the rule. Mr. Himes moved to final adopt the rule, and Mr. Barnett seconded. With a roll call vote, the Board voted unanimously to final adopt the proposed rule.

**5. OPEN FORUM**

Chairman Graham asked if anyone from the public wanted to speak on topics of interest or potential rulemakings. There were no commentors.

**6. ADJOURNMENT**

The next meeting is tentatively scheduled for 1:30 p.m. E.D.T. on Tuesday, September 18, 2012, at the Indiana Government Center South Conference Room A. Mayor Graham adjourned the meeting at **2:58** p.m.

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**CHAIRPERSON**

A court reporter recorded this meeting. A typewritten transcript of the entire meeting is on file in the Office of Legal Counsel, Indiana Department of Environmental Management. **To view approved minutes, you may go online to <http://www.in.gov/idem/4709.htm>.**